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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR 29 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Implementation of Section 4(g)) MM Docket No. 93-8
of the Cable Television)
Consumer Protection Act of 1992)

To the Commission:

COMMENTS OF JOVON BROADCASTING CORPORATION

Jovon Broadcasting Corporation ["Jovon"] submits herewith its comments in response to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding.^{1/}

Jovon is the licensee of Television Station WJYS(TV), channel 62, Hammond, Indiana, which serves the Chicago ADI. Television Station WJYS(TV), the only minority-owned commercial station in the Chicago ADI, is affiliated with the Home Shopping Network, Inc. ["HSN"] and, indeed, HSN's financial support and the availability of a network affiliation for the presentation of HSN home shopping programming made it possible for the station to

This proceeding was implemented pursuant to Section 4 of the Cable Television Consumer Protection and Competition Act of 1992,^{2/} which added Section 614(g) to the Communications Act of 1934, as amended.^{3/} That provision requires the Commission to determine whether home shopping stations like WJYS(TV) are serving the public interest, convenience and necessity as a prerequisite to their qualification as local commercial television stations entitled to mandatory cable carriage rights under the 1992 Cable Act.

The assumption underlying Section 4(g) is that stations with a home shopping entertainment format cannot also comply with their public interest obligations. That is nonsense. There is no reason why stations with a home shopping format -- just as stations which air a more conventional mix of game shows, violent dramas, and sexually explicit talk shows -- cannot also present substantial public service programming.

Indeed, this is demonstrated by the exhibit attached hereto. That exhibit describes the critical role played by HSN in enabling WJYS(TV) to commence operations after a long and fruitless search from assistance from more

^{2/} Pub. L. No. 102-385, 106 Stat. 1460 (1992) ["1992 Cable Act"].

^{3/} 47 U.S.C. § 533(g) ["Section 4(g)"].

established sources, and also provides a detailed summary of the station's public service programming.

In particular, the exhibit demonstrates that WJYS(TV) has actively implemented its mission: "...to bring about a cohesive equitable existence with its relationship to different ethnic and religious organizations and/or groups as it relates to the broadcast medium." More significantly, it establishes that WJYS(TV) airs a substantial amount of programming which is directly responsive to significant local issues facing various ethnic communities in its service area; children's educational and informational programming; and a significant schedule of religious programming. Both the quantity of such programming (which exceeds the amount of programming aired by other similarly-situated commercial UHF stations in the market) and its public service orientation clearly reflect an operation which is fully consistent with the public interest, convenience and necessity.

In their comments, HSN and Silver King Communications, Inc. ["SKC"] address in detail the various constitutional, policy and other issues raised by the Notice. Jovon endorses those comments; no purpose would be served by merely reiterating their arguments. Jovon's showing here, however, confirms that SKC and HSN are absolutely correct in asserting that a home shopping format

is not inherently inconsistent with operation in the public interest: WJYS(TV) airs a substantial schedule of non-home shopping programming which is directly responsive to community issues -- and which is greatly appreciated by the community being served. By all established regulatory standards, WJYS(TV) is clearly operating in a manner which is consistent with the public interest, convenience and necessity.

Jovon submits that the determination in this proceeding must turn principally on whether stations' public service programming complies with established standards for service in the public interest, convenience and necessity. The nature of a station's entertainment format should -- and must under the Constitution -- be irrelevant to this conclusion.

Review of the record submitted here establishes that even under the strictest standards, WJYS(TV) is doing exactly what the authors of the Communications Act envisioned in 1934 when they established a nationwide system of privately owned over-the-air broadcasting stations based on the concept of local licensing and local service: it has returned television to its roots in the local community by providing a programming service that actively seeks out local problems and concerns and addresses them on a local basis. Moreover, WJYS(TV) reflects the fruition of

Commission policies concerning minority station ownership:

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DEMONSTRATION OF OPERATION IN THE PUBLIC INTEREST TELEVISION STATION WJYS (TV), HAMMOND, INDIANA

Introduction

Television Station WJYS (TV), Channel 62 is licensed to Jovon Broadcasting Corporation. The station serves the Chicago ADI. The station's city of license, Hammond, Indiana is located approximately 15 miles from downtown Chicago.

There are more than 45 radio stations and 12 commercial television stations which operate in the Chicago media market. The Chicago ADI has a population of 7,123,000 and a total of 2,999,700 television households.

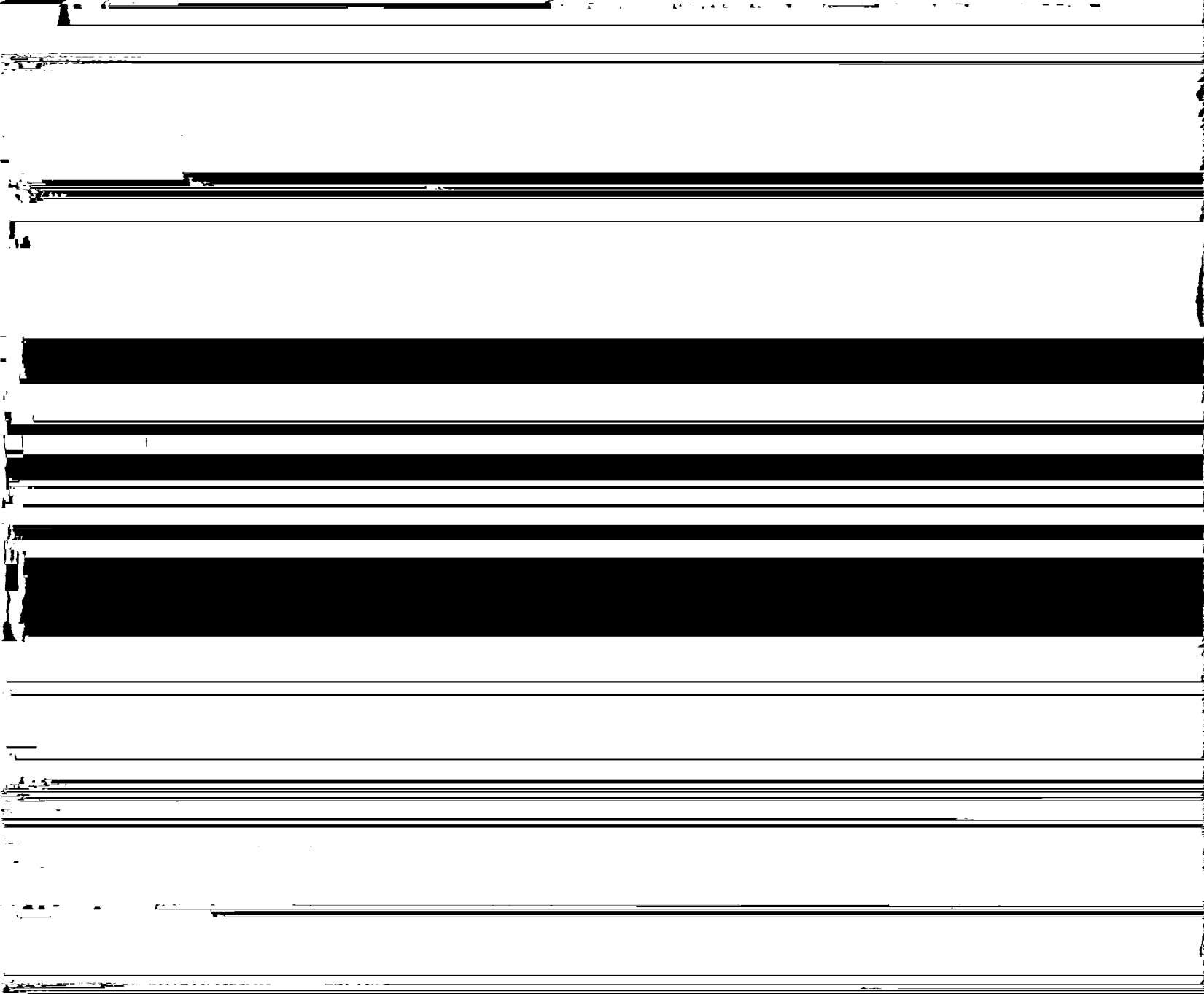
WJYS (TV)'s entertainment programming consists of the Home Shopping Club programming. This programming is divided into segments broadcast live with a host who presents merchandise available for purchase by viewers. The host describes the merchandise one product at a time, conveying information concerning its quality, uses, attributes and prices. Viewers may order the merchandise by using a toll-free telephone number. Hosts may speak to viewers on-the-air concerning their reactions to the Club, previous experience with the Company and its products, and the currently-featured product.

This format provides just as much entertainment as game shows, where an abundant amount of its air time is devoted to the description of merchandise prizes. The Club is a family oriented show which does not contain any violence, or is obscene

or indecent. It has the same rights and should be regulated by the same guidelines that regulate the traditional forms of entertainment.

Operation History

The long struggle to own a television station began when Mr. Joseph A. Stroud read an article in Enterprise Magazine about how the Federal Communication Commission (FCC) had adopted rules that would give greater opportunities to



subscription television authorization (STV). The consultant prepared the application for Channel 62 in Chicago.

The representative licensing procedure for WTVS Chicago began in October 1981

made many demands of his time for due diligence. Although he was promised funds, his efforts were fruitless.

Since the construction permit for WJYS (TV) was in the third largest television market, there were bona fide buyers to purchase the permit shortly after the FCC

Public Interest Programming

WJYS (TV)'s mission statement reads, "...to bring about a cohesive equitable existence with its relationship to different ethnic and religious organizations and/or groups as it relates to the broadcast medium..."

WJYS (TV)'s weekly program schedule consist of 2,610 minutes of local ministries¹, 1,050 minutes of local ethnic programs and 60 minutes of children programming between the hours of 6:00a.m. to midnight. WJYS (TV) dedicates 3,720 total minutes, which is 49.2% of its weekly program time to non-entertainment programming.

WJYS (TV)'s programming consist of shows targeted towards Asian, Arabs, Serbians, Greeks, Hungarians, Muslims and African-Americans. WJYS (TV) has received letters from many of the different ethnic groups and religious organizations that presently air on the station (see attachment #1). The letters attest to the positive influence that WJYS (TV) has had on their constituency. One individual wrote, "The Chicago market has a high population of Asians, but there was not a station in this market that allowed us the opportunity to bring news and entertainment to our ethnic group."

¹Attachment No. 7 lists all ministries that presently air on WJYS(TV).

Public Service Announcements

During WJYS (TV)'s entertainment program it has two (2) breaks per hour, each break is two (2) minutes in length. WJYS (TV), for the most part, has allocated this time for Public Service Announcements. Since WJYS (TV) began broadcasting on March 3, 1991, it has emphasized the importance of a vehicle that can be utilized by local non-profit community organizations. WJYS (TV) believes that a station must use its facilities to publicize activities and concerns of local, regional and national non-profit organizations.

WJYS (TV) also carries several thousand public service announcements for a variety of organizations and causes (attachment No. 3).

Public Service Programming

schools in Illinois. This presentation included interviews with a number of school administrators in Illinois, as well as a number of experts on the public school funding issue. Through these interviews, a story of grossly inadequate and inequitable conditions for a number of schools was told.

The video included comparisons of school districts that were struggling to survive with other districts boasting some of the finest conditions in the state. It explained the historical factors that have led to the inequity in funding across the state, pointed out the special concerns of schools in poor, urban districts, and suggested changes to the current funding formula.

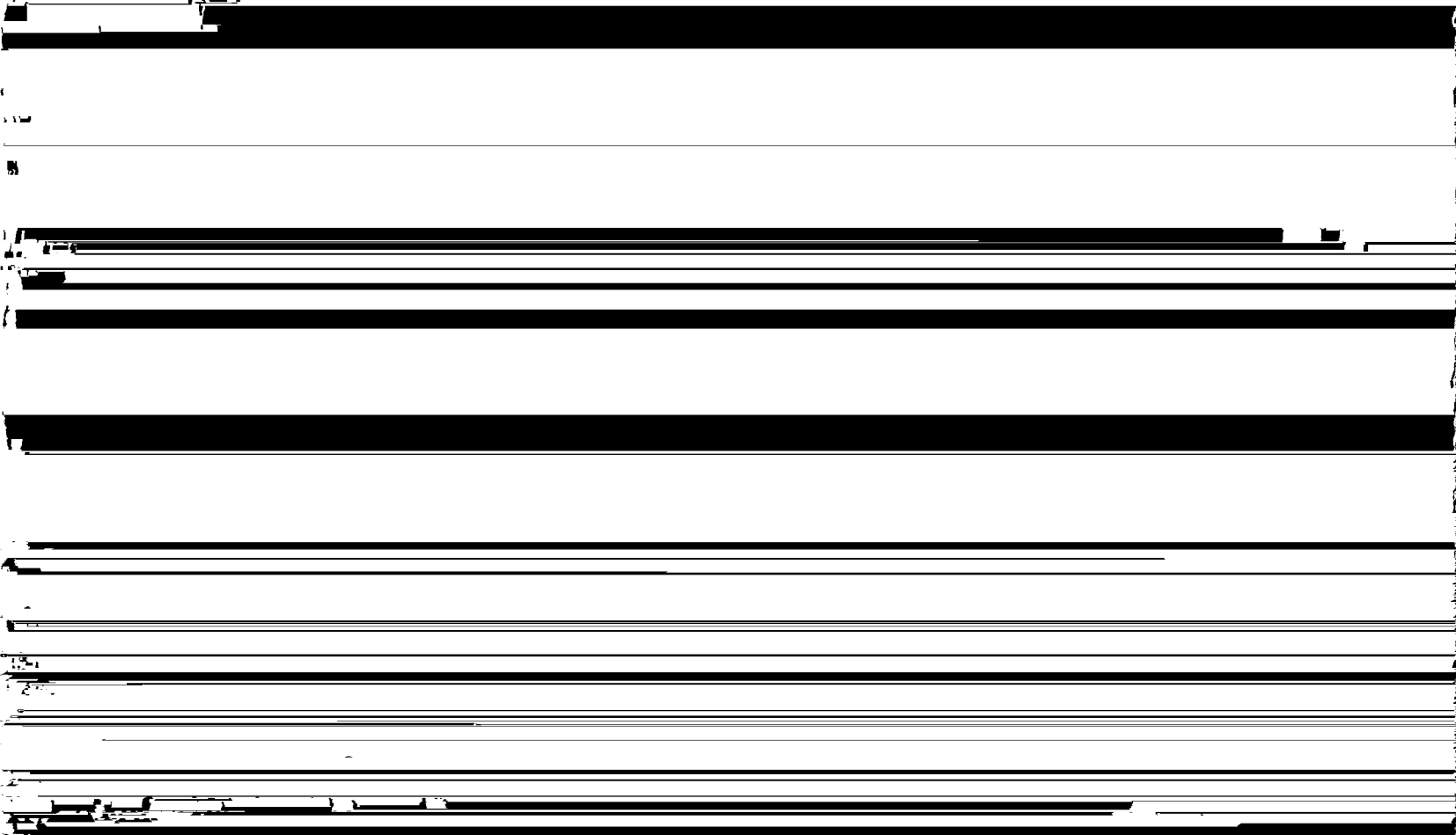
In October of 1991, WJYS (TV) began to air "Joyful Noise," in response to the emotional and spiritual well being of the African-American community. Joyful Noise is an African-American gospel video show that portrays African-Americans in a dignified, joyous and harmonious environment in praise of Jesus Christ. The music breathes of African-American heritage from spirituals of old, to the concept videos of today. Joyful Noise is a daily half hour program.

WJYS (TV) has created several vehicles expressly designed for local non-profit community organizations. "Community Portrait" was developed by WJYS (TV) in the interest of highlighting individuals within the WJYS (TV) viewing area whose leadership and community activism promotes positive change at the grass roots level.

Each segment was designed to explore issues of significance from a personal perspective and allow those individuals interviewed an opportunity to offer their own alternatives and/or solutions.

"Community Concerns" was developed to allow WJYS (TV)'s viewing audience an opportunity to speak out about matters affecting their community. Finally, "Community Calendar" provides non-profit organizations a voice that shares information with the community with regards to up-coming events and activities.

In the economic arena, WJYS (TV) developed "The Financial Report". The Financial Report is a series of two (2) minute vignettes that are targeted towards African-Americans who are hardest hit by any depression and/or recession. Its purpose is to assist the average viewer in the management of their finances. A partial



gospel videos (attachment No. 4). WJYS (TV) received letters from shut-ins and prison inmates who requested more gospel videos and/or tapes of the shows.

Children Programming

The Children's Television Act of 1990 for the first time specifically required television stations to air programming to further children's educational and information needs. In response to the need of quality children programming, WJYS (TV) dedicated Saturday, from 6:00a.m. until 7:00a.m. to air programs aimed at children. A description of the children's programming aired between March 3, 1991 and December 31, 1992 can be found in attachment No. 5.

Employment

WJYS (TV) has stressed the importance of minorities in the media as outlined in its history. WJYS (TV) felt that the station was important to African-Americans in Chicago who sought employment and programming opportunities in the broadcast industry. Many African-Americans have degrees in broadcasting, but are unable to find broadcast stations that will employ them. African-Americans at WJYS (TV) have expressed their problems in obtaining employment in the broadcast industry facilities. WJYS (TV) presently has an African-American male as its general manager, an African-American female as its chief operator and an African-American male as its chief engineer.

Jovon Broadcasting Corporation
Television Station WJYS (TV)
Hammond, Indiana

COMPARATIVE PROGRAMMING ANALYSIS

SECTION II

**TYPICAL WEEK PROGRAM SERVICE COMPARISON
JOVON BROADCASTING CORPORATION
MARCH 6 - 12, 1993
WJYS (TV) VS. CHICAGO MARKET INDEPENDENT UHF COMMERCIAL TELEVISION STATIONS**

STATION*	WJYS	WCIU	WCFC	WPWR	WGBO
NEWS/PUBLIC AFFAIRS	150 = 2%	0 = 0%	300 = 4%	60 = .5%	0 = 0%
CHILDREN'S	60 = .7%	150 = 2%	0 = 0%	0 = 0%	0 = 0%
MINORITY	1680 = 22%	660 = 9%	510 = 7%	0 = 0%	0 = 0%
ETHNIC	180 = 3%	120 = 1.5%	0 = 0%	0 = 0%	0 = 0%
RELIGION	2010 = 26.5%	630 = 8%	2820 = 37.3%	120 = 1.5%	90 = 1.1%
LOCAL	1710 = 22.6%	495 = 6.5%	510 = 6.7%	60 = .7%	0 = 0%

*6:00AM - 12 Midnight

MARKET: Chicago

DAY: SUNDAY

STATION: WGBO

DATE: MARCH 7, 1993

CHANNEL: 66

TIME AIRED	PROGRAM TITLE	LENGTH	CATEGORY (Type)	SOURCE (Local or Synd.)
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6:00A.M.	Heritage of Faith	30:	Religion	Syndicated
8:00A.M.	Mass At Mercy Home	30:	Religion	Syndicated

MARKET: Chicago

DAY: FRIDAY

STATION: WGBO

DATE: MARCH 12, 1993

CHANNEL: 66

TIME AIRED	PROGRAM TITLE	LENGTH	CATEGORY (Type)	SOURCE (Local or Synd.)
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6:00A.M.	Children's Room	30:	Children's	Syndicated
6:30A.M.	Read Me A story	30:	Children's	Syndicated

MARKET: Chicago

DAY: SATURDAY

STATION: WPWR

DATE: MARCH 6, 1993

CHANNEL: 50

TIME AIRED	PROGRAM TITLE	LENGTH	CATEGORY (Type)	SOURCE (Local or Synd.)
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7:00A.M.	Dimensions: Northwest Indiana	30:	Public Affairs	Local
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MARKET: Chicago

DAY: SUNDAY

STATION: WPWR

DATE: MARCH 7, 1993

CHANNEL: 50

TIME AIRED	PROGRAM TITLE	LENGTH	CATEGORY (Type)	SOURCE (Local or Synd.)
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8:00P.M.	Billy Graham	60:	Religion	Syndicated
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MARKET: Chicago

DAY: THURSDAY

STATION: WPWR

DATE: MARCH 11, 1993

CHANNEL: 50

TIME AIRED	PROGRAM TITLE	LENGTH	CATEGORY (Type)	SOURCE (Local or Synd.)
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7:00P.M.	Billy Graham	60:	Religion	Syndicated
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MARKET: Chicago

DAY: SUNDAY

STATION: WCFC

DATE: MARCH 7, 1993

MARKET: Chicago

DAY: FRIDAY

STATION: WCFC

DATE: MARCH 11, 1993

CHANNEL: 38

TIME AIRED	PROGRAM TITLE	LENGTH	CATEGORY (Type)	SOURCE (Local or Synd.)
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6:20A M

Life Lesson

20A

Religion

Syndicated

MARKET: Chicago

DAY: THURSDAY

STATION: WCFC

DATE: MARCH 11, 1993

CHANNEL: 38

TIME AIRED	PROGRAM TITLE	LENGTH	CATEGORY (Type)	SOURCE (Local or Synd.)
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6:30A.M.	Life Lesson	30:	Religion	Syndicated
7:00A.M.	Morris Cerullo	30:	Religion	Syndicated
7:30A.M.	James Robison	30:	Religion	Syndicated
8:00A.M.	Kenneth Copeland	60:	Religion	Syndicated
10:30A.M.	Marilyn Hickey	30:	Religion	Syndicated
12:00P.M.	Life Lesson	30:	Religion	Syndicated
1:00P.M.	700 Club	60:	Religion	Syndicated
2:00P.M.	Fresh Oil	30:	Religion	Local
2:30P.M.	Perfecting the Saints	30:	Religion	Local
6:30P.M.	News	30:	News	Local
7:00P.M.	700 Club	60:	Religion	Syndicated